IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 13201 of 2004

Between:

S.Ahamad S/o. Sharifiddin
K.Nagulapuram, Kurnool District.

..... PETITIONER

AND

1 A.P.State Road Transport Corporation,

Rep., by its Vice-Chairman and Managing Director,
Musheerabad, Hyderabad,
2 The Depot Manager, A.P.State Road Transport Corporation,

Kurnool-I Depot, Kurnool, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions, more in the nature of writ of mandamus directing the respondents herein to provide any alternative employment to the petitioner by protecting his pay and other benefits with all consequential benefits.

Counsel for the Petitioner:MR.P.GOVINDA RAJULU

Counsel for the Respondents: MR.P.VINAYAKA SWAMY, Standing Counsel for APSRTC

The Court at the stage of admission made the following ORDER:

The petitioner worked as a regular driver in the respondents Corporation. He was initially appointed in the year 1986. He was subjected to medical examination in the year 2002 and he was found not fit to discharge the duties of the driver due to defective vision. He made an application on 30-09-2002 to retire him from service on medical grounds. The second respondent passed an order on the same day i.e. on 30-09-2002 retiring the petitioner from service on medical grounds with immediate effect. The petitioner, subsequently, made an application on 24-02-2003 requesting the respondents to provide an alternative employment.

The grievance of the petitioner is that the respondents did not take any steps on his representation to provide alternative employment. Therefore, he approached this Court seeking a direction to the respondents to consider his request and to provide alternative employment.

The learned counsel for the petitioner cited a judgment of a Division Bench of this Court in **A.P.STATE ROAD TRANSPORT CORPORATION, HYDERABAD AND OTHERS v. M.V.RAMANA RAO** representing that under Section 47 and 2(i) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the petitioner is entitled for an alternative job with the same

pay and allowances.

Since the representation of the petitioner is pending with the respondents, it is not desirable to pass any orders on merits at this stage. The respondents are, therefore, directed to pass appropriate orders on the representation of the petitioner dated 24-02-2003 according to law keeping in view the above judgment.

The writ petition is accordingly, disposed of. No order as to costs.

30th JULY, 2004.

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To

1 The Vice-Chairman and Managing Director,

A.P.State Road Transport Corporation,

Musheerabad, Hyderabad,

2 The Depot Manager, A.P.State Road Transport Corporation,

Kurnool-I Depot, Kurnool, Kurnool District.

3 Two CD copies.